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UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

11 GILBERT GRAY, No. C 12-06239 LB
12 Plaintiff,
13 v.
14 **AMENDED ORDER CONTINUING
THE INITIAL CASE MANAGEMENT
CONFERENCE TO MAY 2, 2013**

OFFICE DEPOT, INC., et al.,
Defendants.

16 Plaintiff Gilbert Gray (“Plaintiff”) instituted this action against Office Depot, Inc., (“Office
17 Depot”), a Georgia corporation, and its agents, Steven Burns (“Mr. Burns”) and Roger Weber (“Mr.
18 Weber”) (collectively, the “Defendants”) in the Superior Court of California, County of Alameda, on
19 April 30, 2012. Notice of Removal, ECF No. 1 at 2, 8. Plaintiff alleges premises liability against
20 Office Depot and general negligence against all Defendants. *Id.* at 7-8. Plaintiff appears to have
21 served Office Depot and Mr. Burns while the action was in state court, but he does not appear to
22 have served Mr. Weber yet. *See generally* *Gray v. Office*, RG12628058. Mr. Burns and Office
23 Depot (collectively, the “Removing Defendants”) removed the action to this court on diversity
24 grounds on December 6, 2012. Notice of Removal, ECF No. 1 at 2.

25 Federal Rules of Civil Procedure 4(m) and 81(c)(1) require a plaintiff to serve any defendant
26 who had not been served at the time of removal (such as Mr. Weber) within 120 days of an action
27 being removed. Fed. R. Civ. P. 4(m), 81(c)(1). Because this action was removed on December 6,
28 2012, Plaintiff has until April 8, 2013 to serve Mr. Weber.

1 In light of this situation, the court **CONTINUES** the Initial Case Management Conference from
2 March 14, 2013 to **May 2, 2013 at 10:30 a.m.** in Courtroom C, 15th Floor, 450 Golden Gate
3 Avenue, San Francisco, California, 94102. The parties shall file their Case Management Statement
4 no later than April 25, 2013.

5 **IT IS SO ORDERED.**

6 Dated: March 13, 2013



LAUREL BEELER
United States Magistrate Judge